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June 6, 2018

Via CM/ECF

The Honorable Joanna Seybert
United States District Judge
United States District Court for the Eastern
District of New York
100 Federal Plaza
Central Islip, New York 11722-9014

Re: *Susan M. Heuskin v. The Prudential Insurance Company of America & Pruco Life Insurance Company of New Jersey*, Case No. 2:18-cv-02197-JS-ARL

Request to Continue Pre-Motion Conference Pursuant to Individual Motion
Practice IV.G

Dear Judge Seybert:

We represent defendants The Prudential Insurance Company of America (“PICA”) and Pruco Life Insurance Company of New Jersey (“Pruco”) in the referenced action. On April 20, 2018, defendant PICA requested a pre-motion conference pursuant to Individual Motion Practice IV.G for a motion to be made by PICA under Rule 12(b)(6). The basis for the motion, as explained more fully in my April 20 letter to the Court, is that the life insurance policy at issue in this breach of contract case was issued by Pruco, not PICA, and all obligations under the policy are Pruco’s, not PICA’s. Therefore PICA is not a proper defendant. (For its part Pruco has answered the complaint and asserted counterclaims for rescission of the policy and declaratory judgement.)

In response to PICA’s April 20 letter, the Court set a pre-motion conference for this Friday, June 8, 2018. However, the parties have conferred and it appears that the pre-motion conference may be unnecessary at this time. Plaintiff has reviewed the policy and requested from Pruco a declaration that it issued the insurance policy and is responsible for the obligations under it, not PICA. Pruco is preparing the declaration and, if it is satisfactory to Plaintiff, her counsel has advised that she will voluntarily dismiss her claims against PICA.

Therefore PICA requests a continuance of the pre-motion conference currently scheduled for June 8, 2018.

We are available at the Court’s convenience should the Court require additional information or have any questions.

Respectfully submitted,

/s/ Kenneth J. Pfaehler

Kenneth J. Pfaehler

cc: Edward J. Nitkewicz, Esq. (via CM/ECF and e-mail)
Maxwell Palmer, Esq.